

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Kazunari USHIDA et al. : **Mail Stop: PCT**
Serial No. NEW : Attorney Docket No. 2006_0286A
Filed March 1, 2006 :

β -HYDROXY SHORT TO MEDIUM
CHAIN FATTY ACID POLYMER
[Corresponding to PCT/JP2004/012638
Filed September 1, 2004]

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- ☒ each U.S. Patent and U.S. Patent application publication;
- ☒ each reference previously cited in the international application
PCT/JP2004/012638; and/or
- ☐ each reference previously cited in prior parent application Serial No.
_____.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the
above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
 - b. ☒ a foreign patent office (International) search report (in the English language) submitted herewith (Attachment E),
 - c. ☐ the concise explanation contained in the specification of the present application at page,
 - d. ☒ the concise explanation set forth in the attached English language abstract,
 - e. ☒ the concise explanation set forth below or on a separate sheet attached to the reference:
- JP 2002-50027 corresponds to WO 99/34687 A1, EP 1 045 642 A1 and U.S. 6,207,217
-JP 5-503637 corresponds to WO 92/09211 A1, CA 2,069,445 and 5,229,158
-JP 63-258810 corresponds to DE 37 12 095 A1 and U.S. 4,902,516
-WO 92/16191 A1 corresponds to EP 0 576 675 A1 and U.S. 5,654,009
-JP 2002-521330 corresponds to WO 00/04895, U.S. 2002/0013339 and U.S. 6,380,244
-JP 2001-515510 corresponds to WO 98/41201 A1, EP 1 017 379 A1, U.S. 6,207,856, U.S. 6,316,038, U.S. 2003/0022937, U.S. 2001/0041736, and U.S. 6,323,237
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Kazunari USHIDA et al.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

By Matthew M. Jacob
Matthew M. Jacob
Registration No. 25,154
Attorney for Applicants

MJ/kes
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
March 1, 2006

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: March 1, 2006

ATTY DOCKET NO.
2006_0286ASERIAL NO.
NEW

10/570133

APPLICANT
Kazunari USHIDA et al.FILING DATE
March 1, 2006

GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,207,217	03/2001	Peoples et al.			
	AB	5,229,158	07/1993	Yalpani et al.			
	AC	4,902,516	02/1990	Korsatko et al.			
	AD	5,654,009	08/1997	Hata et al.			
	AE	2002/0013339	01/2002	Martin et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	NO
	AF	2002-500027	01/2002	JP			corresponds to AA	
	AG	99/34687 A1	07/1999	WO				
	AH	1 045 642 A1	10/2000	EP				
	AI	5-503637	06/1993	JP			corresponds to AB	
	AJ	92/09211 A1	06/1992	WO				
	AK	2,069,445	05/1992	CA				
	AL	3-83917	04/1991	JP				
	AM	63-258810	10/1988	JP			corresponds to AC	
	AN	37 12 095 A1	10/1988	DE				
	AO	92/16191 A1	10/1992	WO			abstract	
	AP	0 576 675 A1	01/1994	EP				
	AQ	2002-521330	07/2002	JP				
	AR	00/04895 A2	02/2000	WO				
	AS							
	AT							

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

IAP9 Rec'd PCT/PTO 11 MAR 2006

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: March 1, 2006

ATTY DOCKET NO.
2006_0286ASERIAL NO.
NEW 10/570133APPLICANT
Kazunari USHIDA et al.FILING DATE
March 1, 2006

GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	BA	6,380,244	03/2001	Peoples et al.			
	BB	6,207,856	03/2001	Veech			
	BC	6,316,038	11/2001	Veech			
	BD	2003/0022937	01/2003	Veech			
	BE	2001/0041736	11/2001	Veech			
	BF	6,323,237	11/2001	Veech			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	BG	2001-515510	09/2001	JP			corresponds to BH
	BH	98/41201 A1	09/1998	WO			
	BI	1 017 379 A1	07/2000	EP			
	BJ						
	BK						
	BL						
	BM						

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AN	Cook, S. I. et al., "Review article: short chain fatty acids in health and disease", <i>Aliment. Pharmacol. Ther.</i> , Vol. 12, pp. 499 to 507 (1998).
	BO	Niwa, T. et al., "Effect of Dietary Fiber on Morphine-induced Constipation in Rats", <i>Biosci. Biotechnol. Biochem.</i> , Vol. 66, No. 6, pp. 1233 to 1240 (2002).
	BP	Marcil, V. et al., "Butyrate Impairs Lipid Transport by Inhibiting Microsomal Triglyceride Transfer Protein in Caco-2 Cells", <i>J. Nutr.</i> , Vol. 133, pp. 2180 to 2183 (2003).

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include cop. this form with next communication to applicant.